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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
MALIK DAVIS, AND  
KEVIN LOERA,  
  
Defendants.

CASE NO. 1:22-CR-00112-ADA-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: July 12, 2023

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendants' counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on July 12, 2023.
2. By this stipulation, defendant Loera now moves to continue the status conference until September 27, 2023, and to exclude time between July 12, 2023, and September 27, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. Defendant Davis entered a plea of guilty and is scheduled for sentencing on September 25, 2023. Accordingly, defendant Davis moves to vacate the status conference date as to his matter.
4. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case includes reports, photographs, and audio files. All of this discovery has been either produced

1 directly to counsel and/or made available for inspection and copying.

2 b) Counsel for defendant Loera desires additional time to further review discovery,  
3 discuss potential resolution with his client and the government, and investigate and prepare for  
4 trial.

5 c) Counsel for defendant Loera believes that failure to grant the above-requested  
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
7 into account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the  
10 case as requested outweigh the interest of the public and the defendant in a trial within the  
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
13 et seq., within which trial must commence, the time period of July 12, 2023 to September 27,  
14 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
15 T4] because it results from a continuance granted by the Court at defendants' request on the basis  
16 of the Court's finding that the ends of justice served by taking such action outweigh the best  
17 interest of the public and the defendants in a speedy trial.

18 g) The parties also agree that this continuance is necessary for several reasons,  
19 including but not limited to, the need to permit time for the parties to exchange supplemental  
20 discovery, engage in plea negotiations, and for the defense to continue its investigation and  
21 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

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5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: June 30, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ STEPHANIE M. STOKMAN  
STEPHANIE M. STOKMAN  
Assistant United States Attorney

Dated: June 30, 2023

/s/ GRIFFIN ESTES  
GRIFFIN ESTES  
Counsel for Defendant  
Malik Davis

Dated: June 30, 2023

/s/ ROBERT LAMANUZZI  
ROBERT LAMANUZZI  
Counsel for Defendant  
Kevin Loera

**ORDER**

IT IS SO ORDERED that the status conference set for July 12, 2023 is vacated as to defendant Malik Davis.

IT IS FURTHER ORDERED that the that the status conference is continued from July 12, 2023, to **September 27, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe** as to defendant Kevin Loera. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **June 30, 2023**

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE